

### **REMARKS/ARGUMENTS**

In response to the Office Action dated April 28, 2009, Applicants respectfully request reconsideration and allowance of the instant application based upon the amendment and arguments presented herein. Claims 2-10 remain in this application and have been amended. No new matter has been added. New claims 12-20 have been added. Claims 1 and 11 have been cancelled without prejudice or disclaimer.

#### **Personal Interview**

Applicants wish to thank Examiners Saint Cyr and Shang for the courtesies extended to their representatives during the personal interview on July 14, 2009. Applicants agree with the Examiner's Interview Summary and adopt the same as applicants' statement of substance of interview in accordance with MPEP § 713.04.

#### **Request for Consideration of References Submitted in Information Disclosure Statements**

Applicants submitted an Information Disclosure Statement (IDS) on October 28, 2003, which included a statement under 37 C.F.R. § 1.98(d)(1). Although copies of the NPL documents cited in the IDS were not provided, the NPL documents were provided in one of the earlier filed priority applications. It is respectfully requested that the Examiner consider the NPL documents cited in the IDS filed October 28, 2003 and initial each reference on a copy of the PTO-1449 form.

Applicants further request consideration of the IDS filed February 1, 2008 under 37 C.F.R. § 1.97(c) and evidence of consideration by return of an initialed PTO-1449 form.

#### **Rejections under 35 U.S.C. § 102**

Claims 1-3 and 11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,434,535 to Kupka et al. ("Kupka"). Applicants traverse.

Claims 1 and 11 has been cancelled, rendering their rejection moot. Applicants have replaced claims 1 and 11 with new claims 12 and 13. Claims 2 and 3 have been amended to depend from claim 12.

Applicants submit that Kupka does not anticipate either new independent claim 12 or claim 13. Claim 12 recites, in part,

the remote server configured to store in storage a video program encrypted in a first encrypted form received from at least one programming source which is located remote from the remote server,

the remote server configured to retrieve the video program encrypted in the first encrypted form from the storage and processing the video program encrypted in the first encrypted form responsive to a subscriber request to produce a decrypted video program,

the remote server configured to process the decrypted video program to produce a video program in a second encrypted form.

Kupka lacks a teaching or suggestion of a remote server configured to store, retrieve and process as recited in claim 12. As such, claim 12 is not anticipated by Kupka. Claims 2 and 3, which depend from claim 12, are not anticipated by Kupka for the same reasons as claim 12, and further in view of the novel features recited therein.

Claim 13 calls for, among other features,

the remote server configured to process a video program encrypted in the first encrypted form received from at least one programming source, which is located remote from the remote server, to produce a decrypted video program,

the remote server configured to process the decrypted video program to produce a video program in a second encrypted form; and

the remote server configured to store the video program encrypted in the second encrypted form in storage, and

the remote server, in response to a subscriber request, configured to retrieve the video program in the second encrypted form from storage and configured to transmit the video program in the second encrypted form to the requesting subscriber.

Kupka lacks a teaching or suggestion of a remote server configured to process, store and retrieve as recited in claim 13. As such, claim 13 is not anticipated by Kupka.

### **Rejections under 35 U.S.C. § 103**

Claims 4-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kupka in view of Heer. Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over

Kupka in view of U.S. patent no. 5,675,647 to Garneau et al. ("Garneau"). Applicants respectfully traverse these rejections.

Neither Heer nor Garneau cure the deficiencies of Kupka discussed above with respect to claim 12. Since claims 4-10 directly or indirectly depend from claim 12, the combination of Kupka and Heer even assuming, but not admitting, proper does not result in the claim 4-9 combinations of features and the combination of Kupka and Garneau even assuming, but not admitting, proper does not result in the claim 10 combination of features.

#### **New Claims 14-20**

New claims 14-20 are fully supported by the specification and allowable over the art of record for the same reasons as claim 13 from which they ultimately depend and further in view of the novel and non-obvious features recited therein.

#### **CONCLUSION**

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,  
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